(c) and (d) The UPSC are at present considering the recommendations of the Committee. Thereafter the Commission will forward its recommendations on the Report to the Government for consideration.

Departmental Inquiry

4618. SHRI GAYA SINGH: Will the PRIME MINISTER be pleased to state:

(a) whether departmental inquiry can be initiated even when that matter is under the consideration of civil/criminal court;

(b) if so, the details of the relevant provisions; and

(c) if not, the fate of such a departmental inquiry?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) to (c) It has been held by the Supreme Court in the case of Capt. M. Paul Anthony Vs. Bharat Gold Mines Limited & Another, (JT 1999(2) SC) 456 that departmental proceedings and proceedings in a criminal case can proceed simultaneously and there is no bar in their being conducted simultaneously, though separately.

Filling up of the post vacated by suspended Employee

4619. SHRI GAYA SINGH: Will the PRIME MINISTER be pleased to state:

(a) whether the post on which an employee placed under suspension can be filled up by transfer/promotion during the on-going suspension;

(b) if so, the details of the relevant provisions; and

(c) if not, the steps proposed for stopping such transfer/ promotion?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) to (c) As per the instructions contained

in the Ministry of Finance OM No. F-27/(100)-E.G.I.57 dated 19.12.1957 any vacancy caused by suspension should be filled by a reservist. Where a reservist is not available, the post should be filled by an officiating appointment.

Transfer of suspended Employees

4620. SHRI GAYA SINGH:
SHRI VIJAY SINGH YADAV:

Will the PRIME MINISTER be pleased to state:

(a) whether CCS(CCA) Rules 1965 provide for transfer of employees within the region or to another region even when they are under suspension;

(b) if so, the details thereof;

(c) if not, the reasons therefor;

(d) the details of the procedure of conducting departmental proceeding in such cases; and

(e) whether the enquiry officers etc. are reappointed/transferred following the inter-regional transfers?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) to (c) There is no provision in the CCS (CCA) Rules 1965 prohibiting transfer of Government servant under suspension.

(d) As per the existing instructions when a Government servant against whom disciplinary proceedings were initiated by a disciplinary authority (A) is transferred to the jurisdiction of another disciplinary authority (B) even though the said Government servant continues to be in the same service, in such cases the disciplinary authority (B) can carry on with the inquiry proceedings at the point where the transfer of the accused was effected. If, however, the accused official is transferred to another service, then the procedure laid down in rule 12 (4) (b) of the CCS (CCA) Rules will have to be followed.